

From: rogan hamby
To: Microsoft ATR
Date: 1/23/02 8:59am
Subject: Microsoft Settlement

RE: Objections to Microsoft Settlement
Dear Sir or Madam:

I am writing to comment on the proposed anti-trust settlement with Microsoft. The proposed terms of the settlement fail to accomplish the intended task of correcting Microsofts past behavior in the future. The proposed settlement uses such narrow definitions that they are free to continue their activities with new products that internally function differently but have the same market role.

The two most significant of these items concern middleware and APIs. APIs are defined for the settlement as the interface between middleware and the Windows operating system but leave out application APIs such as those for Internet Explorer and Microsoft Office. Because Microsoft bundles OS functionality into these APIs they can hide code that they should be releasing by the spirit of the settlement (but not terms of) there. This also further gives them leverage to bundle and enforce bundling of their products together as they did with IE. This is a thin line between legitimate leveraging and monopolistic behavior but the courts have already determined which it is.

The final definition of middleware used was much more restrictive than that used in the Findings of Fact. There are several faults but the most significant of which is that it uses the title of code to determine whether or not it falls under the power of the settlement, allowing a cosmetic change in the name of code to determine whether or not it falls under the settlements terms.

I know that many others have written far lengthier analysis of the situation but I hope that you will take these comments in the vein of a concerned citizen that has worked in computer technology both for private industry and local government sectors.

Rogan Hamby
Charlotte, NC

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